

REMARKS

The Office examined claims 1-10 and rejected same. This paper adds new claims 11-20, but leaves claims 1-10 unchanged. Thus, claims 1-20 are now pending in the application.

New claims

New claims 11-20 are method claims corresponding to system claims 1-10. Support for each of the new claims is the corresponding system claim. The new claims are believed patentable over the art applied in the Office action for the same reasons as given below for the corresponding system claims.

Claim Rejections under 35 USC §103

At section 1 of the Office action, claims 1, 2, 4, 5, 9 and 10 are rejected under 35 USC §103(a) as being unpatentable over Mulholland (article, "Risk Assessment and Construction Schedules," by B. Mulholland and J. Christian) in view of White (book, How Computers Work).

Claim 1 is the only rejected independent claim.

Regarding claim 1: As in the previous Office action, the Office asserts that Mulholland discloses knowledge base for maintaining a generic risk record including a plurality of different fields at least some of which have values based on experience gained over time, relying again on "the hypercard knowledge base in Fig. 5, previous project experience in Fig. 2, [and] historical data discussed at p. 11, col. 1, line 5."

Applicant respectfully insists that as pointed out in the response to the previous Office action, the hypercard knowledge base of Mulholland is used only for risk identification, not risk assessment, i.e. not assigning values to risks, but instead merely identifying risks in a project. This is seen from page 8, right hand column, first paragraph, which explains that the

hypercard information system is used for "schedule risk identification," which, at page 10, col. 2, first full paragraph, is explained to involve "determining which variable are (sic) likely to affect the schedule," whereas risk measurement is explained (at the same location) as involving "evaluating and quantifying the probability of the occurrence of a risk and the effects on the schedule," for which Mulholland refers the reader to Fig. 2.

Thus, the hypercard knowledge base is used only for risk identification (which attempts merely to identify risks in a project) as opposed to risk measurement (which attempts to measure the identified risks), and so can hardly be asserted to be an example of a knowledge base, for maintaining a generic risk record including a plurality of fields at least some of which have values based on experience gained over time, as recited in claim 1. Thus also, it cannot fairly be said that Mulholland teaches or suggests a risk processor, for updating a field value of the generic risk record based on a corresponding field value in a profile risk record in a data store of profiles as in claim 1, since (again) the hypercard knowledge base is not intended to provide measured values of risks, but only to help in identifying risks.

Now the Office notes (at page 3, first full paragraph) that "Mulholland does not specifically disclose the particular storage arrangement of the HyperCard regarding field values," but then goes on to give reasons why the rejection is still properly grounded. Applicant respectfully points out that applicant continues to assert that Mulholland falls short of disclosing the knowledge base recited in claim 1 not simply because of "not specifically disclos[ing] the particular storage arrangement of the HyperCard regarding field values," but because Mulholland makes as clear as possible that the HyperCard is not to be used in determining values, i.e. it is not for use in risk

measurement, only for risk identification. Thus, there are not necessarily any field values to disclose.

Applicant respectfully urges the Office to take into account that claim 1 recites first a knowledge base used to maintain a generic risk record holding values in the fields of the generic risk record, next a data store of profiles used for maintaining a profile risk record *having the same fields as the generic risk record* (i.e., as explained throughout the application, what can be thought of as a record for an actual project, and so a record having values for the profile risk record that result from actual experience), and a risk processor for updating a field value of the generic risk record based on a corresponding field value in the profile risk record, which thus allows updating the generic risk records with the results of actual experience. Applicant respectfully submits that when claim 1 is read in its entirety, Mulholland cannot fairly be said to teach or suggest any of the elements of the system recited in claim 1. The Office asserts that Mulholland discloses a HyperCard (system) and equates this to applicant's knowledge base in claim 1, but the HyperCard is used to record actual experience of use in risk identification (as opposed to risk assessment), and so would correspond to the data store of profiles, except that is of use in only risk identification. The Office next asserts that Mulholland discloses a "conceptual project schedule (in Fig. 2) ... and an estimate of project duration" and equates this to the data store of profiles, but the data store of profiles is clearly recited to store actual risk values, whereas the referred to disclosure is to hypothetical or estimated aspects of a project. Finally, the Office notes that Mulholland discloses "three recursive steps (at page 11)" and asserts these steps teach or suggest a risk processor for updating the generic risk record based on the profile risk record, but these steps are merely the conventional risk assessment steps, not the updating of the generic risk

record recited in claim 1, which is the crucial element of the invention. Without the updating of the generic risk record based on the profile risk record, recited to have the same field values as the generic risk record, there is not refining over time of values in the generic risk records for use in future projects, for providing what might be thought of as an educated guess as to actual risk values for the future projects. The three steps referred to by the Office are (from col. 11, col. 1, ll. 8-12) simply:

(1) Identify schedule risks; (2) evaluate their effects and the probability of occurrence; and (3) within the proposed project schedule framework, model the risks and their effects to obtain the project's schedule risk profile.

Thus, the three steps are merely the conventional steps used in structured risk assessment: identify risks, assess the risks, and determine the project schedule risk that results. In case of some actual experience, or action planned to be taken to mitigate or eliminate some of the risks, the three steps may be repeated, until an acceptable schedule risk is determined. But there is no teaching or suggestion of taking from a data store values based on actual experience (the values in the fields of the profile risk record) and using them to update values of generic risk records (what might be thought of as templates) in a data store. For the rejection to stand, based on the assertions by the Office as to the HyperCard and the conceptual project schedule of Fig. 2, Mulholland would have to teach or suggest in the three steps, "the conceptual project schedule ... [and] an estimate of project duration" being used to update the HyperCard. Applicant respectfully submits that the three steps referred to provide no such teaching or suggestion, nor does Mulholland provide such a teaching or suggestion elsewhere.

Accordingly, applicant respectfully requests that the rejections under 35 USC §103 of claim 1, and the rejections of

all the other claims, in view of their dependencies, be reconsidered and withdrawn.

Conclusion

For all the foregoing reasons it is believed that all of the claims of the application are now in condition for allowance, and their passage to issue is earnestly solicited. Applicant's attorney urges the Examiner to call to discuss the present response if anything in the present response is unclear or unpersuasive.

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Date

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